

**REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

**Disposition of Claims**

Claims 1-10 are pending in the application. Claims 1 and 6 are independent. The remaining claims depend directly or indirectly from claims 1 and 6. Claims 5 and 10 have been cancelled by this reply.

**Attorney Docket Number**

Applicant requests that the Attorney Docket No. for this matter be changed from "0007056-0197/P5940" as indicated on the cover sheet received with this office action to "16159/090001; P5940."

**Amendments to Specification**

The paragraph starting on line 12 of page 21 has been replaced with a paragraph having the completed filing information for the patent application entitled "Method and Apparatus for Unifying the Semantics of Functions and Classes in a Programming Language" referenced in the paragraph.

**Claim Objection(s)**

Claims 1 and 6 were objected to by the Examiner for containing informalities. Claims 1 and 6 have been amended in accordance with the Examiner's suggestion to correct the informalities. Accordingly, withdrawal of this objection is respectfully requested.

**Rejection(s) under 35 U.S.C § 103**

Claims 1-10 stand rejected as obvious under 35 U.S.C. § 103 over U.S. Patent No. 6,738,968 (hereafter "Bosworth") in view of the article entitled "An Efficient Implementation of SELF, a Dynamic-Typed Object-Oriented Language Based on Prototypes" (hereafter "Chambers"). Claims 5 and 10 have been cancelled by this reply. Accordingly, the rejection is moot with respect to the aforementioned cancelled claims. Further, independent claims 1 and 6 have been amended to include the subject matter of cancelled claims 5 and 10. In addition,

claims 1 and 6 have been amended to clarify that both binding and access control are performed during run-time. Support for these amendments may be found, for example, on pages 24-25 and 29-30 of the instant specification. To the extent that this rejection still applies to the original and amended claims, the rejection is respectfully traversed.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. See MPEP section 706.02(j).

The initial burden is on the Examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." See MPEP section 706.02(j) citing *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). When the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the examiner to explain why the combination of the teachings is proper.

On page 4 of the Office Action mailed September 23, 2004, the Examiner has asserted that claim Bosworth (in conjunction with Chambers) does not explicitly disclose using an access control level. However, the Examiner maintained the obviousness rejection by taking official notice that access control using public and private attributes was a well known concept at the time the invention was made. In view of the above amendments to the claims, the Applicant respectfully asserts that the aforementioned official notice is now moot and that the rejection may not be maintained. Specifically, the Examiner has already admitted that neither Bosworth nor Chambers explicitly teaches using access control. Further, the official notice only addresses access control with respect to using public and private attributes *without* any reference to applying access control *during run-time*. In view of the above, the rejection is not supported by

Bosworth, Chambers, or the Official Notice, whether viewed separately or in combination. Accordingly, withdrawal of this rejection is respectfully requested.

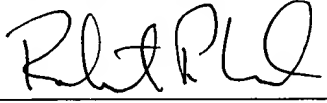
If the Examiner wishes to revise the scope of the official notice to indicate that determining access control during run-time was known as the time of the invention, the Applicant respectfully requests that the Examiner provide references to support the official notice in compliance with 37 C.F.R. §1.104(d) (2).

### Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 16159/092001; P5940).

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Respectfully submitted,

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